

**AUCTIONEER BOARD MEETING  
MINUTES  
APRIL 27, 2004**

**PRESENT:** Jay Clarke, Alan Hager, Richard Lust, Patrick McNamara, Mark Shain, and Marie Skic

**EXCUSED:** Carl Theorin

**STAFF PRESENT:** Jerry Lowrie, Bureau Director, Ruby Jefferson-Moore, Legal Counsel, Pat Schenck, Program Assistant, and Division of Enforcement Staff.

**GUESTS:** James Croschere

**CALL TO ORDER**

Richard Lust called the meeting to order at 9:18 a.m. A quorum of six members was present.

**AGENDA**

**MOTION:** Jay Clarke moved, seconded by Marie Skic, to adopt the agenda as written. Motion carried unanimously.

**INTRODUCTION OF NEW BOARD MEMBER  
ALAN HAGER OF LENA WI.**

Mr. Lust introduced Alan Hager the new public member to the Board. Introductions were made around the table with each member and staff person giving a brief background on their profession and experience.

**APPROVAL OF MINUTES JANUARY 27, 2004**

- Election of Officers correction to Motion: Jay Clarke moved, seconded by Patrick McNamara to retain the current officers.
- Appointment of Screening Panel Members. Mark Shain (delete italics)
- Motion on page 3 of 8 change to Registered Wisconsin Auctioneer (RWA) into this legislative session.

**MOTION:** Marie Skic moved, seconded by Patrick McNamara, to approve the minutes of January 27, 2004 with amendments. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Auctioneer Board  
April 27, 2004 Minutes

**JERRY LOWRIE, BUREAU DIRECTOR**

**BOARD ROSTER**

The Board reviewed and updated address and phone numbers.  
Add Mark Shain to the screening panel.

**2004 MEETING DATES**

Next Board meeting is scheduled for July 27, 2004.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES  
AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

**CHANGES TO BLUE LICENSES**

Beginning April 1, 2004 the blue renewal license form and the temporary license form will be changed to be the bottom third of a full-sized sheet of paper. It will have horizontal and vertical perforations so that it can be removed from the rest of the sheet.

The advantages of the new form are:

- use regular laser printers;
- there will be several security features in the paper we are purchasing including the watermark on the back and some invisible fibers;
- ability to print one mailing address at the top of the form and a different physical address on the actual license which will fix those situations where establishments can't get mail at the physical location; and
- it will give the Department some additional sequence numbering above the mailing address that will help in the machine inserting process at the Department of Administration.

**REGULATORY DIGEST NEWSLETTER**

The Board reviewed the newsletter and noted that the number of temporaries on page two under "registration statistics, active registrants as of April 12, 2004 is incorrect and that the language on page three under Myron C. Bowling should be updated after this meeting. The Board reinstated Myron Bowling Auctioneers, Inc. and restored Myron Bowling to full licensure status.

**TRAVEL**  
**NATIONAL CONVENTION- NAA'S 55<sup>TH</sup> ANNUAL INTERNATIONAL**  
**AUCTIONEERS CONFERENCE AND SHOW JULY 12-17, AT THE MONONA**  
**TERRACE CONVENTION CENTER IN MADISON, WI**

Mr. Lust reported on the National Auctioneers Association convention to be held at the Monona Terrace Convention Center, in Madison, WI on July 12-17, 2004. The NAA is sponsoring continuing education courses and a test-out examination will be given on Thursday, July 15 at 9:00 a.m. at the Monona Terrace Convention Center. Mr. Lust and/or Jerry Lowrie will represent the Auctioneer Board at the NALLOA meeting. Mr. Lust will be the voting member for the Board.

This NALLOA meeting is open to all Board members. Members are welcome to sit in on the NALLOA meeting and may attend other NAA activities.

**MOTION:** Mark Shain moved, seconded by Marie Skic, that Richard Lust serve as the acting representative for the Wisconsin Auctioneer Board at the NALLOA annual meeting during the NAA's 55<sup>th</sup> Annual International Auctioneers Conference and Show on July 15, 2004 at the Monona Terrace Convention Center, in Madison WI. Motion carried unanimously.

**SUPPLEMENTAL AUCTIONEER TEST-OUT EXAMINATION JULY 15, 2004**

A test-out examination will be held on July 15, 2004 at 9:00 a.m. at the Monona Terrace Convention Center, Madison WI.

**LEGISLATIVE UPDATE**  
**TEMPORARY LICENSE ELIMINATION**  
**REGISTERED WISCONSIN AUCTIONEER ABBREVIATION REQUEST**

Mr. Lowrie reported that the 2001-02 Bills LRB-1135/3 eliminating the temporary auctioneer certificate and Registered Wisconsin Auctioneer RWA abbreviation request would be reintroduced in the next legislature session in January of 2005.

**EDUCATION AND EXAMINATIONS**  
**CONTINUING EDUCATION DISCUSSION**

Mr. Lust stated that Wisconsin requires more continuing education hours than other jurisdictions. Decreasing Wisconsin's requirement from 12 to 6-8 hours would put Wisconsin more in line with what other jurisdictions are requiring.

Wisconsin does not accept continuing education courses taken in other jurisdictions as other jurisdictions do not educate them on Wisconsin's law or cover courses they would need for Wisconsin licensure.

The Real Estate Board may accept a real estate auctioneer course. If the Real Estate Board accepts one of the auctioneer courses, the Auctioneer Board will accept a Real Estate course. This would keep the real estate profession up-to-date on real estate auction/auctioneer issues and vise versa.

The Board reviewed and discussed RL 128.03 of the administrative code. The current rule is rigid and allows no leeway on the first three courses listed under A, B, & C and the current mandatory courses are repetitions from the previous biennium. The Board discussed eliminating three core courses and adding more electives. A rule change is required to reduce the 12 hours core courses required to 8 hours for the next biennium and future biennium's. Auction companies are not required to have continuing education. The Board will consider requiring one person in an auction company to take continuing education. Changes to the rule must be made so it won't have to be changed again for future biennium's, due to the length of time involved in the new rule making procedures required in 2003 Wisconsin Act 118. The Board could determine on a biennial basis, which courses are required and not be so specific on the course requirements. Older auctioneers are having problems taking these courses and passing the tests.

The Board made a motion on January 27, 2004 that the Secretary form a subcommittee to research and discuss changes in CE requirements for the next biennium renewal for Auctioneers. Jay Clarke and Pat McNamara have volunteered to serve on this committee. Richard Lust will serve if needed. The Board would like to invite providers of CE courses from Ed. for Wisconsin Auctioneers and Wisconsin Auction Institute, and Dr. Showers to serve on this Committee. The Committee will look at the Real Estate and Real Estate Appraiser rules on continuing education to use as a model.

Mr. Lowrie will discuss the issue of forming a sub-committee with Secretary Donsia Strong Hill. The Board will discuss continuing education courses at the next scheduled Board meeting if forming a subcommittee is not possible.

### **CREDENTIALING-INFORMATIONAL RECIPROCITY: STATES WITH LAWS EQUIVALENT TO WISCONSIN**

The Board reviewed a list of other jurisdictions that have a reciprocal agreement with Wisconsin. The Board questioned Indiana as being a state Wisconsin has a reciprocal agreement with and has requested to see the signed agreement with Indiana. Indiana will not give Wisconsin a reciprocal license so Mr. Lust has questioned Indiana as being checked as a reciprocal jurisdiction.

The Board reviewed the list and indicated the following: Ohio- no, Rhode Island-no. moreover, stated that there must be an error on the reciprocal jurisdiction list. Ohio and Rhode Island do not reciprocate with Wisconsin. The Department can approve a jurisdiction on a case-by-case basis or have a written agreement with that jurisdiction. The Board would like to see more reciprocal agreements with more jurisdictions.

**MISCELLANEOUS INFORMATION/CORRESPONDENCE  
E-BAY AUCTIONS – EXSELLERA**

The Board reviewed information regarding E-Bay Auctions conducted on the web. The Board stated that E-Bay auctions could become the largest competitor to auctioneer licensees.

Choice items from Auctions are being put on E-Bay and forgoing the local auctions. Anyone who controls the funding is an auction company. Exsellera is acting as a storefront business, by accepting the items from the public to sell, having the seller sign an agreement, Exsellera takes a percentage of the fee and pays the seller the balance. Exsellera is acting as an auction company and the Board wants to make sure that these people are licensed. Wisconsin licenses auction companies to protect the public. The Board will refer the companies on E-Bay to the Division of Enforcement to determine if this is unlicensed practice.

**MOTION:** Alan Hager moved, seconded by Jay Clarke, to refer the matter of Exsellera type storefront operations to the Division of Enforcement to investigate whether there are unlicensed activities. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF  
ENFORCEMENT OR ANY THAT MAY BE SUBMITTED AFTER MAILING OF  
AGENDA**

None.

**NEW BUSINESS**

Add forfeiture grid discussion to the July 27, 2004 Board meeting. The Board would like to look at this grid to be sure each person is treated fairly and equally.

**VISITORS COMMENTS**

None.

**CLOSED SESSION**

**MOTION:** Mark Shain moved, seconded by Patrick McNamara, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, the Board intends to deliberate on stipulations, administrative warnings, case closings, and

monitoring cases. Motion carried by a roll call vote: Richard Lust - yes; Marie Skic - yes; Jay Clarke - yes; and Patrick McNamara – yes; Alan Hager – yes; Richard Lust – yes; and Mark Shain - yes. Motion carried unanimously.

Open Session recessed at 11:30 a.m.

The Board deliberated on the Monitoring Report, the Case Status Report and Case Closings, Proposed Stipulations, and Proposed Administrative Warnings.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Patrick McNamara moved, seconded by Alan Hager, to reconvene into Open Session at 12:05 p.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

#### **MONITORING ISSUES MYRON BOWLING REQUEST FOR REINSTATEMENT MYRON C. BOWLING AND MYRON BOWLING AUCTIONEERS, INC.**

Sandy Meyers presented Mr. Myron Bowling requests for full reinstatement of his license and full licensure for Myron Bowling Auctioneers, Inc. It was noted that Myron Bowling took the test-out exam and passed and has paid all costs and/or forfeitures.

**MOTION:** Patrick McNamara moved, seconded by Marie Skic, to reinstate Myron Bowling Auctioneers, Inc. and to restore Myron Bowling to full licensure status. Motion carried unanimously.

### **CASE CLOSINGS**

#### **00 AUC 004**

**MOTION:** Jay Clarke moved, seconded by Alan Hager, to close case **00 AUC 004** for prosecutorial discretion (P5). Motion carried unanimously.

#### **00 AUC 005**

**MOTION:** Marie Skic moved, seconded by Mark Shain, to close case **00 AUC 005** for prosecutorial discretion (P2). Motion carried unanimously.

**ADMINISTRATIVE WARNINGS**

**CATHERINE A. HANDRICH d/b/a  
KATE'S OLD WORLD AUCTION CO. 03 AUC 022**

**MOTION:** Marie Skic moved, seconded by Alan Hager, to accept the administrative warning as written for case **03 AUC 022 Catherine A. Handrich d/b/a Kate's Old World Auction Co.** Motion carried unanimously.

**JEFFREY L. LUGGEN 03 AUC 016**

**MOTION:** Jay Clarke moved, seconded by Patrick McNamara, to accept the administrative warning as written for case **03 AUC 016 Jeffrey L. Luggen.** Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Patrick McNamara moved, seconded by Alan Hager, to adjourn the meeting at 12:15 p.m. Motion carried unanimously.

**NEXT MEETING JULY 27, 2004**

**Agenda Items for July 27, 2004:**

- Request a Scope Statement for RL 128 Educational Program Rule Change.
- Forfeiture Grid - General Discussion
- Add Other Items as Defined by Law
- Continuing Education - Invite providers of CE courses from Ed. for Wisconsin Auctioneers and Wisconsin Auction Institute, and Dr. Showers
  - Add Real Estate and Real Estate Appraiser CE Rules to agenda as a model
- Signed reciprocal agreement with Indiana (copy)